



ITW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 9676**
Setsuo TSUJII et al. : Attorney Docket No. 2006_0833A
Serial No. 10/584,622 : Group Art Unit 4152
Filed June 26, 2006 : Examiner Dalila Toussaint
CREAMS, WHIPPED PRODUCTS : **Mail Stop: Amendment**
THEREOF, DRY POWDERS THEREOF AND
PROCESS FOR PRODUCING THE SAME

RESPONSE TO REQUIREMENT FOR RESTRICTION
AND ELECTION OF SPECIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

Responsive to the Office Action of November 19, 2008, constituting a requirement for restriction between (A) claims 1-6 and (B) claim 7, Applicants hereby elect the subject matter of Group A, i.e. claims 1-6.

The Examiner has also required an election of species, in response to which Applicants elect acidic whipping cream. The elected claims which read on the elected species are claims 1-3 and 5-6.

Applicants emphasize that the foregoing elections are made while reserving their rights under 35 U.S.C. §121 to file a divisional application for the non-elected subject matter.

Action on the merits is requested.

Respectfully submitted,

Setsuo TSUJII et al.

By:

A handwritten signature in black ink, appearing to read "Michael R. Davis", is written over a horizontal line.

Michael R. Davis

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